

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:21-CV-00011-BO

LARRY SIMPSON,

Plaintiff,

KILOLO KIJAKAZI,

Acting Commissioner of Social Security,

Defendant.

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) ORDER APPROVING ATTORNEY

) FEES PURSUANT TO 42 U.S.C. § 406(b)

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Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$8,535. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$3,623.00 – these fees were seized under the Treasury Offset Program.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of ~~\$8,535.00~~ **\$7,000.00 TWH**

This 3 day of February, 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT COURT JUDGE